

Article 6: Board and Commissions

Division 7: Commission for Arts and Culture

*(“Commission for Arts and Culture”
added 5-15-1989 by O-17298 N.S.)*

§26.0701 Purpose and Intent

It is the purpose and intent of the City Council to establish a Commission for Arts and Culture to serve in an advisory capacity to the Mayor, City Council and City Manager on promoting, encouraging and increasing support for the arts and culture.

It shall be the responsibility of the Commission for Arts and Culture to make all recommendations pertaining to arts and culture for City funding to the City Council using objective criteria and evaluation panels, as appropriate.

It shall be the responsibility of the Commission for Arts and Culture to serve in an advisory capacity to the Mayor, City Council and City Manager on projects and programs designed to promote public art throughout the neighborhoods of the City of San Diego, develop policies to involve artist(s) in selected Capital Improvement Projects and encourage the private sector to include public art in private developments.

(Amended 4-20-1992 by O-17757 N.S.)

§26.0702 Commission for Arts and Culture Established

There is hereby established a Commission for Arts and Culture consisting of fifteen (15) members. Commission members shall be persons who represent the following areas: individual arts, arts organizations, arts patrons, educators, the business community, and the general public.

The members shall serve three (3) year staggered terms for a maximum of six (6) years and each member shall serve until a successor is duly appointed and confirmed. Effective May 1, 2000 and for all appointments thereafter, members shall serve two (2) year staggered terms for a maximum of eight (8) consecutive years, and each member shall serve until a successor is duly appointed and confirmed. An interval of four (4) years must pass before such persons can be reappointed. The members shall be appointed by the Mayor and confirmed by the City Council, subject to the following conditions: 1) The Mayor shall appoint seven (7) members; and, 2) the Mayor shall appoint the remaining eight (8) members, one each from a list of three (3) nominations

submitted by each Councilmember. The expiration date of all terms shall be August 31. During September of each year, the Mayor may designate one (1) member as chairperson; however, in the absence of such designation, the Commission shall on or after October 15 select from their members a chairperson. The Commission shall meet not less than monthly and report to the Mayor and Council on an as needed basis, but not less than one time per year.

The Commission shall adopt rules consistent with laws for the government of its business and procedures.

(Amended 4-10-2000 by O-18786 N.S.)

§26.0703 Duties and Functions

The Commission for Arts and Culture shall:

- (a) Strongly advocate a substantial increase in funds for arts and culture.
- (b) Make all funding recommendations directly to the Mayor, City Council and City Manager.
- (c) Explore new sources of funding for arts and culture and evaluate the current allocation of Transient Occupancy Tax funding as it pertains to the arts and culture.
- (d) Develop, coordinate and regularly reevaluate a comprehensive City arts and culture policy.
- (e) Consistent with City Council policy, serve as advocates for arts and culture with the City Council, as well as the private sector, local, regional, state and federal governments, and international entities, such as Mexico, Canada, Japan and Pacific Rim countries.
- (f) Serve as the State/Federal local arts program partner.
- (g) Manage the City public art program, which shall include the following:
 - (1) Advising on the acquisition, placement and maintenance of public art on property of the City of San Diego, except for any museum, art gallery, or City-owned performance facility. No public art shall be installed or existing work of art removed from public areas of City property without a review by the Commission.

- (2) Developing and recommending to the Mayor, City Council and City Manager:
 - (A) Programs to promote public performances and the public exhibition of the arts.
 - (B) Legislation to provide incentives to the public sector for inclusion of the arts in private developments.
 - (C) Legislation and policies to involve artist(s) in selected City Capital Improvement Projects.

(Amended 4-20-1992 by O-17757 N.S.)

§26.0705 Definitions

Whenever in this division, the following words and phrases are used, they shall mean:

- (a) “Artist” means an artist generally recognized by critics or his/her peers as a professional and who produces high quality work on a regular basis.
- (b) “Capital Improvement Project” means any permanent public improvement project paid for wholly or in part by monies appropriated by the city to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the city limits or under the jurisdiction of the city.
- (c) “Commission” means the City of San Diego Commission for Arts and Culture.
- (d) “Council” means the Mayor and City Council of the City of San Diego.
- (e) “Eligible Funds” means the total amount of all funding sources that comprise the Capital Outlay Fund. The amount of eligible funds will serve as the measurement in checking the amount to be deposited in the Fund for Public Art in accordance with Section 26.0706 of this ordinance.
- (f) “Fund for Public Art” means a separate fund established in the City Treasury into which shall be deposited funds appropriated under Section 26.0706 of this ordinance. Disbursements from such a fund shall be made in connection with projects approved by the Council.
- (g) “Public Art” includes physical art that may be an integral part of a public site

or building, or may be integrated with the work of other design professionals. Public art may be permanent, fixed, temporary or portable. Public art includes, but is not limited to the following:

- (1) Sculpture: may be made on any material or combination of materials; may be free standing, wall– supported or suspended, kinetic, electronic or mechanical.
 - (2) Murals or paintings: may be made of any material or variety of materials with or without collage; may be made with traditional or non–traditional materials and means.
 - (3) Earthworks, neon, glass, organic materials (i.e., fiber, clay, wood, etc.), mosaics, photographs, prints, literary arts, calligraphy, any combination of forms of media, including sound, film, holographic, video or computer systems, hybrids of any media or new genres.
- (h) “Public Art program” includes, but is not limited to, all responsibilities and activities of the Commission for Arts and Culture under Sections 26.0701, 26.0703 and 26.0707 pertaining to public art.
- (i) “Public performances” means individual and group presentations of music, dance, theatre, opera, literary, film/ video and other forms of art generally recognized.
- (j) “Public places” means land and buildings owned by the City exclusive of City–owned performance facilities, e.g., Civic Theatre.
- (k) “Supplemental Funds” means those funds contributed by individuals, corporations, foundations, or government grants, and placed in the Fund for Public Art in addition to those funds made available under Section 26.0706 of this ordinance which shall be used for implementing the purposes of the Percent for Art Ordinance and other public art projects recommended by the Commission for Arts and Culture and approved by the Council.

(Amended 4–20–1992 by O–17757 N.S.)

§26.0706 Funds for Public Art

The City Manager shall include in the annual budget proposal an amount of money equivalent to 1% of the eligible funds to be deposited in the Fund for Public Art. Eligible funds, for the purpose of this Division, include all funding sources that comprise the Capital Outlay Fund. Other funds may be made available to involve

artists in Capital Improvement Projects in accordance with Council policies.
(Amended 4-20-1992 by O-17757 N.S.)

§26.0707 Procedures

To carry out the Commission for Arts and Culture's duties, the Commission shall:

- (a) Receive and accept applications for Transient Occupancy Tax funding, and using objective criteria will evaluate the applications and recommend to the City Council the allocation of that funding.
- (b) Prepare and recommend for the City Council's review a budget for funding arts and culture programs in this City, including the Public Art budget.
- (c) Establish guidelines to carry out the Public Art program which shall include, but not be limited to, a method or methods of selection of artists or public art and for the placement of public art.
- (d) Advise the City Council regarding the possible purchase of public art or commissioning the design, execution or placement of public art. The Commission shall work with the City Manager regarding the design, execution or placement of public art in connection with Capital Improvement Projects.
- (e) In the placement of public art in the City, give special attention to the placement of appropriate public art in the neighborhoods.
- (f) Receive input from the City Manager regarding operation and maintenance expenses associated with a public art. If the City Manager finds that a proposed public art requires extraordinary operation or maintenance expenses, the Commission shall recommend other public art, or submit with its recommendation to the City Manager and City Council a statement of overriding consideration of why the public art should be utilized notwithstanding its extraordinary operation or maintenance expense.
- (g) In cooperation with the City Manager, promulgate for City Council appropriate guidelines consistent with this ordinance to facilitate the implementation of the responsibilities of the Commission and City Manager hereunder.
- (h) In instances of public art to be placed in construction Capital Improvements projects to achieve a greater degree of artistic harmony, recommend artists to be confirmed by the Manager before City approval of the architect's schematic

design.
(Amended 4-20-1992 by O-17757 N.S.)